IN THE DRAWINGS

The attached sheet of drawings includes changes to Figure 1b. This sheet, which includes Figures 1a and 1b, replaces the replacement sheet filed on February 8, 2008, including Figures 1a and 1b.

Attachment: 1 Replacement Sheet

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 12-14, 17, and 23-26 are pending. In the present amendment, Claims 12 and 23 are currently amended and Claim 22 is canceled without prejudice or disclaimer. Support for the present amendment can be found in the original specification, for example, at page 7, lines 13-19, at page 8, lines 9-19, at page 10, lines 11-16, at page 11, lines 6-28, at page 13, lines 31-35, at page 14, lines 21-28, and in Claim 22. Thus, it is respectfully submitted that no new matter is added.

In the outstanding Office Action, Claims 12, 23, 25, and 26 were rejected under 35 U.S.C. § 103(a) as unpatentable over Schiminski et al. (U.S. Patent No. 4,431,138, hereinafter "Schiminski") in view of Green (U.S. Patent No. 3,041,663), Schippers et al. (U.S. Patent No. 5,016,829, hereinafter "Schippers"), and Ideno et al. (U.S. Patent No. 4,511,095, hereinafter "Ideno"); Claims 13, 17, and 24 were rejected under 35 U.S.C. § 103(a) as unpatentable over Schiminski in view of Green, Schippers, and Ideno, and further in view of Westrich (U.S. Patent No. 6,105,896); and Claims 14 and 22 were rejected under 35 U.S.C. § 103(a) as unpatentable over Schiminski in view of Green, Schippers, and Ideno, and further in view of Sakurauchi et al. (Japanese Publication No. 06-329437, hereinafter "Sakurauchi").

This response is submitted under 37 C.F.R. 1.116 which allows amendments after final that cancel claims to be entered. By the present amendment, Claim 22 is canceled and independent Claims 12 and 23 are amended to include the subject matter from Claim 22. Thus, no new matter has been added and further search and consideration is not required. Accordingly, it is respectfully requested that the present amendment be entered.

It is noted that the specification and Figure 1b are amended to label the control and command device as reference character 14. It is respectfully submitted that no new matter is added.

Regarding the rejections under 35 U.S.C. § 103(a), it is noted that Claim 22 was rejected as unpatentable over Schiminski in view of Green, Schippers, and Ideno, and further in view of Sakurauchi. In the second paragraph on page 8, the Office Action acknowledges that "Schiminski et al. in view of Green, Schippers et al., and Ideno et al. is silent about a control and command device configured to ensure a regulation of speed and/or of position between a primary stroke movement of the positioning and guiding device and a secondary stroke movement of at least one of the spindles." Instead, the Office Action relies on the computer 39 of Sakaurachi to cure this deficiency.

Schiminski describes a winding machine comprising a primary traversing yarn guide 3 which reciprocates in grooves 4 of the cross-spiraled roller 2. The roller 2 AND the winding chuck 9.1 of Schiminski do not continuously move linearly in forward and reverse directions along the first axis during winding of the thread. Schiminski therefore discloses imparting *only* a primary reciprocating movement to the thread. No secondary reciprocating movement is used.

Green describes improvements for winding machines which impart both primary and secondary reciprocating movements. Green does not disclose or suggest how to improve a winding machine with a primary movement only. A person of ordinary skill in the art would therefore not find it obvious to combine Schiminski and Green.

Further, even if the person of ordinary skill in the art had decided to combine these references to move the winding chuck 9.1 of Schiminski based on Green, since Green describes that the traverse 24 (i.e. the yarn guide of Green) does not reciprocate, the person of ordinary skill in the art would have suppressed the reciprocating movement of the yarn guide

3 of Schiminski in favor of the movement of the winding chuck 9.1. However, such a transformation is not compatible with the operation of the auxiliary yarn guide 11, which uses the linear movement of primary yarn guide 3. The cited combination would therefore not be possible in any obvious way.

Moreover, the winding machine described in Schiminski is not compatible with a reciprocating movement of the winding chuck 9.1. Such movement would require the auxiliary yarn guide 11 to continuously follow the winding chuck 9.1, which would not allow in any obvious way the cooperation of the auxiliary yarn guide 11 with the primary yarn guide 3.

Accordingly, it is respectfully submitted that a person of ordinary skill in the art would not find it obvious to modify the winding machine of Schiminski to include the secondary reciprocating movement of Green because such a combination would render the machine of Schiminski unsatisfactory for its intended purpose and thus there would not be a reasonable expectation of the success of the combination. See MPEP 2143.01.

Further, none of the other cited references cure this deficiency of Schiminski in view of Green. Concerning the modification of Schiminski based on Schippers, the retraction device of Schiminski is rotative and the person of ordinary skill in the art would therefore not consider replacing the rotative retraction device of Schiminski by the rotative retraction device of Schippers. Concerning the modification of Schiminski based on Ideno, Ideno describes using a reeling frame 7 which use is not compatible in any obvious way with a linear movement of the spindles.

Accordingly, in view of the above discussion, the combination of Schiminski in view of Green, Schippers, and Ideno does not disclose or suggest a winding machine that can perform the claimed primary and secondary movement. Thus, even if the computer 39 of Sakaurachi is added to this combination, such a computer would not regulate speed and/or

position between primary and secondary movements because the winding machine of the cited combination of references does not perform these movements. Additionally, Sakaurachi describes the computer 39 as calculating the revolving speed and rolling-up time of the collet 4, and thus does not disclose or suggest that the computer 39 of Sakaurachi regulates speed and/or position between the primary and secondary movement. Further, it is respectfully submitted that the remaining secondary reference (Westrich) does not cure this deficiency of the above-discussed references.

Therefore, it is respectfully submitted that amended independent Claims 12 and 23 patentably define over the cited references. Accordingly, it is respectfully requested that the rejections of Claims 12 and 23, and all claims dependent thereon, be withdrawn.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application and the present application is believed to be in condition for formal allowance. A Notice of Allowance is earnestly solicited.

Respectfully submitted,

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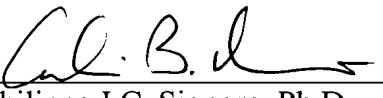

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